

REMARKS

Entry of the foregoing, reexamination, and further and favorable reconsideration of the subject application in light of the following remarks, pursuant to and consistent with 37 C.F.R. § 1.112 are respectfully requested.

As correctly stated in the Office Action, Claims 11-13 and 15-18 are pending in the present application. Claims 11-13 and 15-18 stand rejected.

By the present amendment, Claims 11, 12, 15, and 16 have been canceled, without prejudice to or disclaimer of the subject matter contained therein. The preamble of Claim 13 has been amended to recite a method for "preventing or treating a disease accompanied by abnormal vascular function in which lipid deposition in the blood vessel is involved." Support for this amendment can be found, at least, in previous Claim 11, and throughout the originally filed application. No new matter has been added. Moreover, none of the amendments to the claims were intended to limit the scope of any such claims or element(s) recited therein.

Objection to the Specification

The specification stands objected to as lacking reference to the priority international application. M.P.E.P. § 1893.03(c) indicates that such reference is unnecessary. Nevertheless, in the interest of expediting prosecution, the specification has been amended to refer to the appropriate international application. Withdrawal of this objection is respectfully requested.

Obviousness-Type Double Patenting Rejections

Claims 11-13 and 15-18 stand rejected under the judicially created doctrine of obviousness-type double patenting as allegedly unpatentable over Claims 10-21 of U.S. Patent No. 5,814,631. Claims 11, 12, 15, and 16 have been canceled by the present amendment, thereby mooting this rejection as it applies to these claims. This rejection, to the extent that it may apply to the remaining claims, as amended, is respectfully traversed.

Applicants respectfully submit that the active component of the presently claimed invention is limited to a quinazoline derivative represented by formula (1). This compound does not overlap the formula (1) of the '631 patent, nor is there any suggestion of the compounds of formula (1) of the presently claimed invention in Claims 10-21 of the '631 patent. Accordingly, Applicants respectfully submit that the presently claimed invention is not obvious over the claims of the '631 patent. Withdrawal of this rejection is respectfully requested.

Claims 11-13 and 15-18 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting over claims of copending Application No. 09/763,213. Claims 11, 12, 15, and 16 have been canceled by the present amendment, thereby mooting this rejection as it applies to these claims. This rejection, to the extent that it may apply to the remaining claims, as amended, is respectfully traversed.

Applicants respectfully submit the '213 application refers to cardiac and circulatory system disease due to the abnormal exacerbation of Angiotensin II. In contrast, the presently claimed invention relates to the inhibition of lipid deposition in

the blood vessels by the quinazoline derivatives represented by formula (1). The '213 application in no way discloses or suggests this activity of the formula (1) quinazoline derivatives. Accordingly, Applicants respectfully submit that the presently claimed invention cannot be rendered obvious by the '213 application. Withdrawal of this rejection is respectfully requested.

Rejections Under 35 U.S.C. §§ 102/103

Claims 11-13 and 15-18 stand rejected under 35 U.S.C. § 102(a) and (b) as anticipated by, or alternatively, obvious over Ishida et al. (WO 99/41277); Fukami et al. (WO 00/10982); Akaha et al. (JP 10-053579), Niwata et al. (*J. Med. Chem.* 40:2156-63 (1997)), Akahoshi et al. (U.S. Patent No. 5,948,785), Fukami et al. (U.S. Patent No. 5,691,335), Fukami et al. (EP 795 548), Fukami et al. (U.S. Patent No. 5,814,631), and Tani et al (WO 00/32587). Claims 11, 12, 15, and 16 have been canceled by the present amendment, thereby mooting this rejection as it applies to these claims. This rejection, to the extent that it may apply to the remaining claims, as amended, is respectfully traversed.

The presently claimed invention is directed towards a method of preventing or treating a disease accompanied by abnormal vascular function in which lipid deposition in the blood vessel is involved (Claims 13 and 17) or suppressing lipid deposition in a blood vessel (Claim 18) comprising administering a quinazoline derivative of formula (1). Applicants respectfully submit that only Fukami et al. (WO 00/10982 and EP 795548) refer to quinazoline derivatives related to formula (1). None of the other cited publications refer to quinazoline derivatives of formula (1).

and therefore certainly cannot anticipate or render the methods of the presently claimed invention.

WO 00/10982 was published on March 2, 2000. The priority date of the present application is November 1, 1999 (JP 11/311257). Accordingly, Applicants respectfully submit that the Fukami WO 00/10982 is not prior art to the presently claimed invention. In support of this argument, an English translation of the priority document of the present application is being obtained and will be forwarded to the U.S. Patent & Trademark Office upon receipt.

Although the compound of Example 148 of EP 795548 is encompassed within the quinazoline derivatives of formula (1), no pharmacological data of the compound of Example 148 is provided. Further, EP 795548 only refers to the use of quinazoline derivatives for the prevention of cardiac and circulatory system diseases derived from abnormal exacerbation of Angiotensin II production, not lipid deposition. Therefore, the property of inhibition of lipid deposition in the blood vessel is not disclosed or suggested by the EP 795548 publication. In light of this the prevention or treatment of vascular diseases associated with lipid deposition and a method of suppressing lipid deposition would not be obvious in light of the EP 795548 publication. Accordingly, this publication cannot render the presently claimed invention either anticipated or obvious.

Withdrawal of this rejection is respectfully requested.

Conclusions

From the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order. Such action is earnestly solicited.

If there are any questions concerning this amendment, or the application in general, the Examiner is respectfully requested to telephone Applicant's undersigned representative so that prosecution may be expedited.

Respectfully submitted,

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